

Eric Rapport
Central Valley Water Board
erapport@waterboards.ca.gov
(530) 224-4998
March 22, 2018

Re: Tulare County Local Agency Management Plan

Dear Mr. Rapport,

Leadership Counsel for Justice and Accountability and Community Water Center work alongside disadvantaged and unincorporated communities in Tulare County that still rely on individual septic tanks and private wells to meet their domestic needs. We submit these comments and recommendations to ensure that the Tulare County's Local Area Management Plan (LAMP) does not adversely affect the residents of Tulare County.

I. Strengthen Consolidation Policies

System consolidation provides a long-term solution to recurrent septic tank failure and protects the health of groundwater and the community. Policy 7-01 -1390 *Sewage Disposal: Sanitary Sewer System* states, "All lots within a subdivision shall be connected to a sanitary sewer system operated by a political subdivision if the trunk line or other access point allocated within one thousand three hundred twenty (1,320) feet of any portion of the subdivision. Individually developed parcels shall be connected to a sanitary sewer system if the trunk line or other access point is located within two hundred (200) feet of any proposed building or exterior drainage facility." As many unincorporated communities are at the fringe of city boundaries or spheres of influence a limit of 1,320 feet would exclude communities for consolidation as a solution to failing septic tanks. Furthermore, as unincorporated communities are primarily under the jurisdiction of the county government, the LAMP should also include a policy that commits the county to pursue funding for feasibility studies and construction of septic to sewer conversions and consolidations with nearby service providers.

Furthermore, this policy bears minimal enforcement capability under its current wording. This policy allows a political subdivision to bypass the policy if:

1) "if the political subdivision will not allow the connection"

or

2) "if the political subdivision will not make satisfactory arrangements with the subdivider for reimbursement to the subdivider for additional connections to the sewer line by other property owners outside of the subdivision"

With these exemptions, this policy is ineffective in providing adequate solutions for failing septic tanks and consolidations within reach may not be addressed. We urge stronger language for the County to work with jurisdictions to obtain support for consolidations. Including these policies will support transitions away from septic systems and reduce the overall need for septic replacement and installments on existing parcels, thus advancing the LAMP's policy purpose of public health goals, while also facilitating County compliance with State law.

II. Commit to pursue funding for Community Disposal Systems and to support compliance for low-income residents

Under 7-01-1400 *SAME: Community Disposal System*, if communities cannot obtain sewer service under section 7-01 -1390 *Sewage Disposal: Sanitary Sewer System*,” the subdivider must construct a community disposal system.” However, construction cannot commence “until provision has been made for maintenance of the system after it is constructed.” We recommend a policy be developed to ensure the county will actively seek grant funding for construction and to lower anticipated monthly rates from maintenance. Next, to avoid the expense of compliance, residents in disadvantaged and severely disadvantaged communities may conduct informal, noncompliant fixes to their OWTs which could exacerbate health risks. The LAMP should include steps to mitigate this public health risk by procuring funding to focus on warnings and support low-income homeowner compliance.

III. Add to Evaluating Proximity to Public Sewers

The draft LAMP includes no analysis or identification of sites included in the County's housing element sites inventory necessary to meet the County's share of the regional housing need that are currently served by OWTs or would likely be served by OWTs when developed. There is also no analysis on how the LAMP's application may impact the development capacity of the sites projected in the housing element. Before adapting the LAMP, the County must conduct such an analysis and include explicit exceptions to the application of policies in the LAMP that would reduce development capacity for sites included in the housing element or must provide a mechanism to ensure the replacement of those sites with equivalent and suitable alternative sites in the housing element sites inventory to ensure that the County has adequate capacity to meet its RHNA for all income levels. *Gov. Code* § 65863 (Cal. No Net Loss Law); *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184 (“There is no agency discretion to promulgate a regulation which is inconsistent with the governing statute.”).

Thank you for considering these comments. For any questions please reach out to Pedro Hernandez at phernandez@leadershipcounsel.org or Deborah Ores at deborah.ores@communitywatercenter.org.